

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

**In re:**

**FAIRFIELD SENTRY LIMITED, et al.,**

## Debtors in Foreign Proceedings.

**FAIRFIELD SENTRY LIMITED (IN LIQUIDATION), et al.,**

**Plaintiffs,**

**against –**

**THEODOOR GGC AMSTERDAM, et al.,  
Defendants.**

**FAIRFIELD SENTRY LIMITED (IN LIQUIDATION) and  
FAIRFIELD SIGMA LIMITED (IN LIQUIDATION), acting  
by and through the Foreign Representatives thereof, and  
KENNETH KRYSS and GREIG MITCHELL, solely in their  
capacities as Foreign Representatives and Liquidators thereof,**

**Plaintiffs,**

**-against-**

**ABN AMRO SCHWEIZ AG a/k/a ABN AMRO  
(SWITZERLAND) AG, ADLER AND CO PRIVATBANK  
AG, ALLIANZBANK SPA/UNIFORTUNE  
CONSERVATIVE SIDE POCKET, ALTERNATIVE  
INVESTMENT STRATEGIES, BANCA ARNER SA, BANCA  
UNIONE DI CREDITO, BANK HAPOALIM  
SWITZERLAND LTD., BANK JULIUS BAER & CO. LTD.,  
BANK SARASIN & CIE, BANQUE CANTONALE  
VAUDOISE, BANQUE CRAMER & CIE SA, BBVA  
(SUISSE) SA, BCV AMC DEFENSIVE AL FUND, BNP  
PARIBAS (SUISSE) SA, BNP PARIBAS (SUISSE) SA EX  
FORTIS, BNP PARIBAS (SUISSE) SA PRIVATE, BSI AG,  
BSI EX BANCA DEL GOTTARDO, CACEIS BANK  
LUXEMBOURG, CBB (BVI)/ THE ALKIMA FUND, CBT  
GEMS LOW VOL REG, COMPAGNIE BANCAIRE  
HELVETIQUE, CENTRUM BANK AG (AMS), CLARIDEN**

## Chapter 15 Case

**Case No. 10-13164  
(CGM)**

### Jointly Administered

**Adv. Pro. No. 10-03496**  
**(CGM)**

**Administratively Consolidated**

**Adv. Pro. No. 10-03635**  
**(CGM)**

LEU LTD., CORNER BANCA SA, CREDIT SUISSE AG  
ZURICH, DEXIA BANQUE INTERNATIONALE A  
LUXEMBOURG, DRESNER BANK SCHWEIZ, EFG  
BANK SA SWITZERLAND, EFG EUROFINANCIER  
D'INVEST MCL, ENDURANCE ABSOLUTE LTD.  
MASTER, FAIRFIELD INVESTMENT GCI, FAIRFIELD  
INVESTMENT FUND LTD., FALCON PRIVATE BANK,  
FIF ADVANCED LTD., FINTER BANK ZURICH,  
HARMONY CAPITAL FUND LTD., HSBC, IHAG  
HANDELSBANK AG, INCORE BANK AG, KARASEL  
ENHANCED PORTFOLIO, KARLA MULTISTRATEGIES  
LTD., LGT BANK IN LIECHTENSTEIN AG,  
LIECHTENSTEINISCHE LB REINVEST AMS, LLOYDS  
TSB BANK GENEVA, LOMBARD ODIER DARIER  
HENTSCH & CIE, LONGBOAT LTD., MASTER CAPITAL  
AND HEDGE FUND, NATIONAL BANK OF KUWAIT,  
NBK BANQUE PRIVEE SUISSE SA, PICTET & CIE, PKB  
PRIVATBANK AG, QUASAR FUNDS SPC a/k/a QUASAR  
FUND SPC CLASS A AND CLASS B CGCNV, RBC DEXIA  
INVESTOR SERVICE JULIUS BAER SICAV, RBS  
COUTTS BANK LTD., RICHOURT AAA  
MULTISTRATEGIES, ROTHSCHILD BANK AG ZURICH  
(DUBLIN) a/k/a ROTHSCHILD BANK AG, ROTHSCHILD  
BANK GENEVA (DUBLIN), ROTHSCHILD LUGANO  
DUBLIN a/k/a BANCA PRIVATA EDMOND DE  
ROTHSCHILD LUGANO S.A., EDMOND DE  
ROTHSCHILD (SUISSE) S.A., SIS SEEGANINTERSETTLE,  
SIX SIS LTD., SOCIETE GENERALE BANK & TRUST,  
SOUNDVIEW FUND, SWISSCANTO FD CENTRE  
CLIENTS A/C, T1 GLOBAL FUND LTD., UBS AG NEW  
YORK, UBS AG ZURICH, UBS JERSEY NOMINEES,  
VERWALTUNGS UND PRIVAT-BANK AG  
AKTIENGESELLSCHAFT (AMS), VORARLBERGER  
LANDES UND HYPOTHEKENBANK  
AKTIENGESELLSCHAFT and BENEFICIAL OWNERS OF  
ACCOUNTS HELD IN THE NAME OF CGC NA 1-1000,

**Defendants.**

## NOTICE OF APPEAL

## Part 1: Identify the Appellant(s)

**1. Names(s) of appellants:** Fairfield Sentry Limited (in Liquidation), and Fairfield Sigma Limited (in Liquidation), acting by and through the Foreign Representatives thereof, and Kenneth Kryss and Greig Mitchell, solely in their capacities as Foreign Representatives and Liquidators thereof (“Plaintiffs-Appellants”).

**2. Position of appellants in the adversary proceeding that is the subject of this appeal:** Plaintiff(s)

**Part 2: Identify the subject of this appeal**

- 1. Describe the judgment, order or decree appealed from;**
- 2. State the date on which the judgment, order, or decree was entered:**

Plaintiffs-Appellants, by their attorneys, hereby appeal under 28 U.S.C. § 158(a) from:

1. Each and every part of that portion of the Stipulated Order Granting in Part and Denying in Part Moving Defendants’ Second Consolidated Motion to Dismiss, dated February 26, 2021 (ECF No. 519) (the “Order”, annexed hereto as **Exhibit A**) that constitutes a final judgment and except insofar as the Order provides for further proceedings in the Bankruptcy Court as provided for in Part II of the Order;
2. Partial Final Judgment Pursuant to Rule 54(b) dated March 24, 2021 (ECF No. 525) (the “Judgment”, annexed here to as **Exhibit B**); and
3. Any and all prior decisions that necessarily affect the Order and Judgment, including but not limited to:
  - a. Memorandum Decision Granting in Part and Denying in Part Defendants’ Renewed Motion to Dismiss, dated December 14, 2020 (*Fairfield Sentry Limited (in Liquidation) v. Theodoor GGC Amsterdam et al.*, Adv. Proc.

No. 10-03496 (SMB) (Bankr. S.D.N.Y. Dec. 14, 2020)<sup>1</sup>, ECF No. 3062, annexed hereto as **Exhibit C**)

- b. Memorandum Decision Granting in Part and Denying in Part Defendants' Motions to Dismiss and Plaintiffs' Motions for Leave to Amend, dated December 6, 2018 (*Fairfield Sentry Limited (in Liquidation) v. Theodoor GGC Amsterdam et al.*, Adv. Proc. No. 10-03496 (SMB) (Bankr. S.D.N.Y. Dec. 6, 2018)<sup>2</sup>, ECF No. 1743, annexed hereto as **Exhibit D**), insofar as it concerns claims dismissed under the Order and the extraterritorial application of the Section 546(e) safe harbor;
- c. Memorandum Decision and Order Regarding the Defendants' Motions to Dismiss for Want of Jurisdiction, dated August 6, 2018 (*Fairfield Sentry Limited (in Liquidation) v. Theodoor GGC Amsterdam et al.*, Adv. Proc. No. 10-03496 (SMB) (Bankr. S.D.N.Y. Aug. 6, 2018), ECF No. 1723, annexed hereto as **Exhibit E**), insofar as it rules that Defendants' consent to the Subscription Agreement does not constitute consent to personal jurisdiction in the U.S. Redeemer Actions; and
- d. Memorandum Decision Denying Plaintiffs' Motion for Leave to File Further Proposed Amended Complaints in Certain Actions, dated August 10, 2020 (*Fairfield Sentry Limited (in Liquidation) v. Theodoor GGC Amsterdam et al.*, Adv. Proc. No. 10-03496 (SMB) (Bankr. S.D.N.Y. Aug. 10, 2020), ECF No. 3046, annexed hereto as **Exhibit F**).

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<sup>1</sup> The Court entered the decisions addressed in this Notice of Appeal only on the administratively consolidated docket for this action and its related proceedings.

**Part 3: Identify the other parties to the appeal:**

The relevant parties to the judgment, order, or decree appealed from, and the names, addresses, and telephone numbers of their respective attorneys are as follows:

<b>Plaintiffs-Appellants</b>	<b>Attorneys</b>
Fairfield Sentry Limited (in Liquidation), and Fairfield Sigma Limited (in Liquidation), acting by and through the Foreign Representatives thereof, and Kenneth Krys and Greig Mitchell, solely in their capacities as Foreign Representatives and Liquidators thereof	<b>BROWN RUDNICK LLP</b> David J. Molton Marek P. Krzyzowski Seven Times Square New York, New York 10036 Telephone: 212-209-4800  <b>SELENDY &amp; GAY PLLC</b> David Elsberg Lena Konanova Ron Krock 1290 Avenue of the Americas New York, NY 10104 Telephone: 212-390-9000

<b>Defendants-Appellees</b>	<b>Attorneys</b>
See Schedule A	See Schedule A

**Part 4: Not Applicable (No BAP in this District)**

**Part 5: Signature**

Dated: March 31, 2021  
New York, New York

Respectfully submitted,

**BROWN RUDNICK LLP**

/s/ David J. Molton

**BROWN RUDNICK LLP**

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—and—

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